

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:05-CV-445-DCK**

**GARY ROSE, on behalf of himself and all
others similarly situated,**

Plaintiff,

v.

**SLM FINANCIAL CORP. and
SLM MORTGAGE CORPORATION-NC,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Motion For Leave To File First Amended Complaint And Supporting Brief” (Document No. 40) and “Plaintiff’s Motion For Class Certification” (Document No. 41), filed April 21, 2008, and “Defendant’s Response To Plaintiff’s Motion For Leave To File First Amended Complaint And Motion For Extension Of Time” (Document No. 43), filed April 24, 2008. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and these motions are now ripe for disposition.

Having carefully considered the arguments, the record, and the applicable authority, and noting the parties’ mutual consent to the foregoing, the undersigned will grant Plaintiff’s motion to file its First Amended Complaint and grant Defendants’ motion for extension of time.

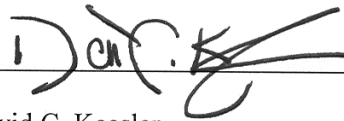
IT IS, THEREFORE, ORDERED that “Plaintiff’s Motion For Leave To File First Amended Complaint...” (Document No. 40) is **GRANTED**, with the parties’ agreed-upon provisions that:

- a. Plaintiff will not use the amendment as an avenue to re-open discovery on matters related to class certification; and
- b. Plaintiff's amendment does not alter or extend, in any way, the class period originally defined by the Plaintiff in the Complaint.

IT IS FURTHER ORDERED that "Defendant's . . . Motion For Extension Of Time" (Document No. 43) is **GRANTED**; Defendants shall file an answer or other response to Plaintiff's "First Amended Complaint" (Document No. 40-2) on or before **June 23, 2008**, and Defendants shall file a response to "Plaintiff's Motion For Class Certification" (Document No. 41) on or before **June 6, 2008**.

SO ORDERED.

Signed: April 25, 2008



David C. Keesler
United States Magistrate Judge

